

EXHIBIT E

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January 10, 2002

Via Fax: (858) 571-6972

Barry S. Pulver, P.E.
Associate Engineering Geologist
Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA. 92123-4340

Dear Barry:

Workplan for Belt Street (Due 1/25/02)
Your File AST Belt Street Pipeline.bsp

This will confirm our conversation of January 10, 2002, regarding the above referenced submission date. We agreed that:

- (1) A workplan due January 25, 2002 has been requested of the City because it is alleged that the City is a discharger under Water Code section 13267;
- (2) The City on December 10, 2001 denied it is a "discharger" and requested a due process hearing on the matter;
- (3) All hearing submittals are due by 5:00 p.m. on January 18, 2002;
- (4) While the January 25, 2002 date is still in place, since no determination has been made as to whether the City is a "discharger," the City will have thirty (30) days after the Board staff issues a final determination on "discharge" status to submit any required workplan.

Lastly, we agreed that the City would incur no administrative penalties unless the City fails to submit required reports within thirty (30) days after a final notice of its "discharge" status.

January 10, 2002

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Mr. Pulver

Again, I appreciate your courtesy on recognizing the need to determine "discharge" status before requirements are imposed. If any of the above is incorrect, call me directly at (619) 236-6468.

Sincerely yours,

CASEY GWINN, City Attorney

By



Ted Bromfield
Senior Deputy City Attorney

TB:mb